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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
09/619,993	07/20/00	CARBONELL	R 5051-408CX2D

020792 IM22/1011  
MYERS BIGEL SIBLEY & SAJOVEC  
PO BOX 37428  
RALEIGH NC 27627

EXAMINER  
TOOMER, C

ART UNIT	PAPER NUMBER
1714	

5

DATE MAILED: 10/11/01

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

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# Office Action Summary

Application No.

Applicant(s)

Examiner

Group Art Unit

—The MAILING DATE of this communication appears on the cover sheet beneath the correspondence address—

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, such period shall, by default, expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).

## Status

- ☐ Responsive to communication(s) filed on \_\_\_\_\_
- ☐ This action is **FINAL**.
- ☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

## Disposition of Claims

- ☒ Claim(s) 15-32 is/are pending in the application.
- Of the above claim(s) 23-32 is/are withdrawn from consideration.
- ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- ☒ Claim(s) 15-22 is/are rejected.
- ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- ☐ Claim(s) \_\_\_\_\_ are subject to restriction or election requirement.

## Application Papers

- ☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.
- ☐ The proposed drawing correction, filed on \_\_\_\_\_ is ☐ approved ☐ disapproved.
- ☐ The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.
- ☐ The specification is objected to by the Examiner.
- ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. § 119 (a)-(d)

- ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
  - ☐ All ☐ Some\* ☐ None of the CERTIFIED copies of the priority documents have been received.
  - ☐ received in Application No. (Series Code/Serial Number) \_\_\_\_\_
  - ☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\*Certified copies not received: \_\_\_\_\_

## Attachment(s)

- ☒ Information Disclosure Statement(s), PTO-1449, Paper No(s) 1
- ☒ Notice of Reference(s) Cited, PTO-892
- ☐ Notice of Draftsperson's Patent Drawing Review, PTO-948
- ☐ Interview Summary, PTO-413
- ☐ Notice of Informal Patent Application, PTO-152
- ☐ Other \_\_\_\_\_

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### DETAILED ACTION

Applicants' election with traverse of Group I (claims 15-22) in Paper No. 4 is acknowledged. The traversal is on the ground that all claims could be searched and examined by the examiner without serious burden. This is not found persuasive because these inventions are distinct and capable of supporting their own patent and have acquired a separate status in the art because of their different classification and their recognized divergent subject matter.

The requirement is still deemed proper and is therefore made FINAL.

### *Specification*

The specification has not been checked to the extent necessary to determine the presence of all possible minor errors. Applicant's cooperation is requested in correcting any errors of which applicant may become aware in the specification.

### *Claim Rejections - 35 USC § 112*

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 15-22 are rejected under 35 U.S.C. 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to reasonably convey to one

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skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

There is no support in the specification for "between about 80 and 99.9 percent carbon dioxide.

*Claim Rejections - 35 USC § 102*

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 15-18 and 20 are rejected under 35 U.S.C. 102(b) as being anticipated by Gribbin (U.S. 5,186,974).

Gribbin teaches a coating composition comprising a film-forming agent, such as an aqueous solution of bifunctional fluoropolyethers. The bifunctional moieties include, diols, dicarboxylic acids and diesters (see abstract; col. 3, lines 43-46). Gribbin teaches that from 0.5 to 20 percent of the film-forming agent is sprayed together with a carrier gas stream. Such gas streams include carbon dioxide (see col. 3, line 59 through col. 4, lines 1-10).

Accordingly, Gribbin teaching all the material limitations of the claims, anticipates the claims.

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Claim 19 is rejected under 35 USC 103(a) as being unpatentable over Gribbin, as applied to the above claims, further in view of Piacenti (4,902,538).

Gribbin fails to teach that the fluoropolyether of his invention has an amide anchoring group. However, Piacenti teaches this difference (see abstract (3); col. 4, line 39 through col. 5, lines 1-39). These functionalized anchoring groups include carboxylic acids, esters and amides.

It would have been obvious to one of ordinary skill in the art to have substituted the fluoropolyether containing an amide anchoring group for those fluoropolyethers of Gribbin because the substitution of art recognized equivalent is prima facie obvious.

Claims 21 and 22 are rejected under 35 U.S.C 103(a) as being unpatentable over Gribbin, as applied to the claims above, further in view of Nielsen (U.S 5,009,367).

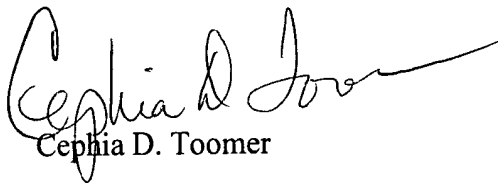
Gribbin fails to teach that carbon dioxide is a liquid or a supercritical fluid. However, Nielsen teaches combining supercritical fluids with a coating composition and spraying this composition and Nielsen teaches that "the use of supercritical fluids as a transport medium for the manufacture of surface coating is well known". See col. 5, lines 6-10, 29-30.

It would have been obvious to one of ordinary skill in the art to substitute the supercritical fluid CO<sub>2</sub> of Nielsen for the gaseous CO<sub>2</sub> of Gribbin because Nielsen teaches that supercritical CO<sub>2</sub> may be used to transport medium for the manufacture of surface coatings, such as those of Gribbin.

The prior art made of record but not relied upon is cited for teaching the use of supercritical CO<sub>2</sub> in coating compositions.

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Any inquiry concerning this communication should be directed to Cephia Toomer at  
telephone number (703) 308-2509.



Cephia D. Toomer

Patent Examiner-1714

09/619993.1

C. Toomer/th

September 26, 2001